

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CASE NO. 1:10CR405
Plaintiff,)	
)	
v.)	JUDGE JOHN R. ADAMS
)	
CHRISTOPHER UGOCHUKWU,)	<u>ORDER</u>
)	
Defendant.)	
)	

This matter appears before the Court on a motion to continue the sentencing scheduled in this matter for July 26, 2011. Specifically, Defendant seeks a ninety-day extension of the current sentencing hearing. Defendant also seeks to extend the time for completion of the presentence report. Both aspects of the motion are DENIED.

New counsel for Defendant entered his notice of appearance on May 31, 2011. Five days prior to that entry, the Court continued Defendant's sentencing from July 6 to July 26, 2011, in order to facilitate this change in counsel.

Counsel's request for an extension is based upon two arguments. First, counsel claims a need to familiarize himself with the underlying facts of the case. Second, counsel asserts that there may be a need to file a Fed. R. Crim. P. 29 motion. Neither argument supports a continuance.

As noted above, counsel first appeared on May 31, 2001. Nearly 60 days will have passed before the date of sentencing in this matter. Even now, there are 40 days before the currently

scheduled sentencing. Such a time frame is more than sufficient for counsel to prepare for sentencing. Additionally, it is unclear how a Rule 29 motion could be filed in this matter. The jury returned its guilty verdicts on April 15, 2011. No request for an extension of Rule 29's 14 day deadline was ever made. Accordingly, as it appears that any such motion would be time-barred, the research for such a motion cannot form the basis of a continuance. The motion to continue sentencing is DENIED.

Finally, Defendant seeks an extension of the time to complete the presentence report. The Court has learned through its probation officer that Defendant's interview for his presentence report was scheduled earlier in this week. Prior to that interview, Defendant did not seek an extension. Instead, Defendant simply declined to be interviewed. Since that time, the presentence report has been completed. As such, Defendant's request to extend that date is untimely and DENIED.

IT IS SO ORDERED.

June 17, 2011
Dated

/s/ John R. Adams
JUDGE JOHN R. ADAMS
United States District Judge